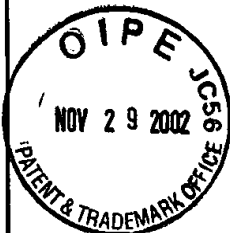


NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)
389014



In re Application of

Curtis A. Vock et al

Application Number

09/657,111

Filed

07 September 2000

For

EVENT AND SPORT PERFORMANCE METHODS AND SYSTEMS

Group Art Unit

2863

Examiner

Tung S. Lau

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 24 September 2002, rejecting the following claims: 1-12.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 320.

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 160.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed.

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a): _____.

Curtis A. Vock

Signature

Curtis A. Vock, Reg. No. 38,356

Typed or printed name

11/22/02

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

12/02/2002 WADDLRI 00000044 09657111

01 FC:2401

160.00 DP

Handwritten notes:
#871
Appeal
D. V. 10/2



AF 2863
PATENT \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Curtis A. Vock et al.
Application No. 09/657,111
Filed 07 September 2000
Title EVENT AND SPORT PERFORMANCE METHODS AND SYSTEMS
Group./A.U. 2863
Examiner Tung S. Lau
Docket No. 389014

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
DEC-4 2002
TC 2800 MAIL ROOM

CERTIFICATE OF MAILING

Date of Deposit: November 22, 2002

I hereby state that the following *attached* papers

1. Transmittal – 1 page
2. Fee Transmittal – 1 page + 1 copy
3. Check in the amount of \$160.00
4. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences – 1 page
5. Certificate of Mailing – 1 page
6. Pre-addressed postcard

are being deposited with the United States Postal Service as First Class Mail service under 37 CFR 1.8 in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

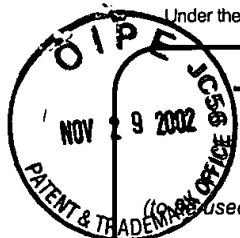

Heather Fedor

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(Use only for all correspondence after initial filing)

TRANSMITTAL FORM (Use only for all correspondence after initial filing)		Application Number	09/657,111
		Filing Date	07 September 2000
		First Named Inventor	Curtis A. Vock et al.
		Group Art Unit	2863
		Examiner Name	Tung S. Lau
Total Number of Pages in This Submission	5	Attorney Docket Number	389014

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="text-align: center;">Certificate of Mailing Return Postcard</div>
<div style="border: 1px solid black; padding: 5px; min-height: 50px;">Remarks</div>		

 RECEIVED
 DEC - 4 2002
 TC 2800 MAIL ROOM

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Curtis A. Vock Lathrop & Gage L.C.		
Signature	<i>Curtis A. Vock</i>		
Date	11/22/02		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 22 November 2002

Typed or printed name	Heather Fedor		
Signature	<i>Heather Fedor</i>	Date	11/22/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<div style="display: flex; align-items: center;"> <div style="border: 2px solid black; border-radius: 50%; padding: 10px; margin-right: 10px; text-align: center;"> PTO NOV 29 2002 U.S. PATENT & TRADEMARK OFFICE </div> <div> <h2 style="margin: 0;">FREE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2003</h3> <p style="font-size: small; margin: 0;">Patent fees are subject to annual revision.</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status.</p> </div> </div>		Complete if Known																																																																																																																																																
TOTAL AMOUNT OF PAYMENT (\$) 160		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 40%;">Application Number</td><td>09/657,111</td></tr> <tr><td>Filing Date</td><td>07 September 2000</td></tr> <tr><td>First Named Inventor</td><td>Curtis A. Vock et al.</td></tr> <tr><td>Examiner Name</td><td>Tung S. Lau</td></tr> <tr><td>Group / Art Unit</td><td>2863</td></tr> <tr><td>Attorney Docket No.</td><td>389014</td></tr> </table>	Application Number	09/657,111	Filing Date	07 September 2000	First Named Inventor	Curtis A. Vock et al.	Examiner Name	Tung S. Lau	Group / Art Unit	2863	Attorney Docket No.	389014																																																																																																																																				
Application Number	09/657,111																																																																																																																																																	
Filing Date	07 September 2000																																																																																																																																																	
First Named Inventor	Curtis A. Vock et al.																																																																																																																																																	
Examiner Name	Tung S. Lau																																																																																																																																																	
Group / Art Unit	2863																																																																																																																																																	
Attorney Docket No.	389014																																																																																																																																																	
METHOD OF PAYMENT (check one) <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> Deposit Account		FEE CALCULATION (continued)																																																																																																																																																
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Deposit Account Number: 12-0600</p> <p>Deposit Account Name: LATHROP & GAGE LC</p> </div> <div style="width: 50%;"> <p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812 2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>400</td><td>2252 200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>920</td><td>2253 460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,440</td><td>2254 720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,960</td><td>2255 980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401 160</td><td>Notice of Appeal</td><td>160</td></tr> <tr><td>1402</td><td>320</td><td>2402 160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403 140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,280</td><td>2453 640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,280</td><td>2501 640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>460</td><td>2502 230</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>620</td><td>2503 310</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806 180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>740</td><td>2809 370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>740</td><td>2810 370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>740</td><td>2801 370</td><td>Request For Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802 900</td><td>Request For expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify) _____</p> </div> </div>		Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051 65	Surcharge - late filing fee or oath		1052	50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053 130	Non-English specification		1812	2,520	1812 2,520	For filing a request for reexamination		1804	920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		1251	110	2251 55	Extension for reply within first month		1252	400	2252 200	Extension for reply within second month		1253	920	2253 460	Extension for reply within third month		1254	1,440	2254 720	Extension for reply within fourth month		1255	1,960	2255 980	Extension for reply within fifth month		1401	320	2401 160	Notice of Appeal	160	1402	320	2402 160	Filing a brief in support of an appeal		1403	280	2403 140	Request for oral hearing		1451	1,510	1451 1,510	Petition to institute a public use proceeding		1452	110	2452 55	Petition to revive - unavoidable		1453	1,280	2453 640	Petition to revive - unintentional		1501	1,280	2501 640	Utility issue fee (or reissue)		1502	460	2502 230	Design issue fee		1503	620	2503 310	Plant issue fee		1460	130	1460 130	Petitions to the Commissioner		1807	50	1807 50	Processing fee under 37 CFR 1.17(q)		1806	180	1806 180	Submission of Information Disclosure Stmt		8021	40	8021 40	Recording each patent assignment per property (times number of properties)		1809	740	2809 370	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	740	2810 370	For each additional invention to be examined (37 CFR § 1.129(b))		1801	740	2801 370	Request For Continued Examination (RCE)		1802	900	1802 900	Request For expedited examination of a design application	
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																														
1051	130	2051 65	Surcharge - late filing fee or oath																																																																																																																																															
1052	50	2052 25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																															
1053	130	1053 130	Non-English specification																																																																																																																																															
1812	2,520	1812 2,520	For filing a request for reexamination																																																																																																																																															
1804	920*	1804 920*	Requesting publication of SIR prior to Examiner action																																																																																																																																															
1805	1,840*	1805 1,840*	Requesting publication of SIR after Examiner action																																																																																																																																															
1251	110	2251 55	Extension for reply within first month																																																																																																																																															
1252	400	2252 200	Extension for reply within second month																																																																																																																																															
1253	920	2253 460	Extension for reply within third month																																																																																																																																															
1254	1,440	2254 720	Extension for reply within fourth month																																																																																																																																															
1255	1,960	2255 980	Extension for reply within fifth month																																																																																																																																															
1401	320	2401 160	Notice of Appeal	160																																																																																																																																														
1402	320	2402 160	Filing a brief in support of an appeal																																																																																																																																															
1403	280	2403 140	Request for oral hearing																																																																																																																																															
1451	1,510	1451 1,510	Petition to institute a public use proceeding																																																																																																																																															
1452	110	2452 55	Petition to revive - unavoidable																																																																																																																																															
1453	1,280	2453 640	Petition to revive - unintentional																																																																																																																																															
1501	1,280	2501 640	Utility issue fee (or reissue)																																																																																																																																															
1502	460	2502 230	Design issue fee																																																																																																																																															
1503	620	2503 310	Plant issue fee																																																																																																																																															
1460	130	1460 130	Petitions to the Commissioner																																																																																																																																															
1807	50	1807 50	Processing fee under 37 CFR 1.17(q)																																																																																																																																															
1806	180	1806 180	Submission of Information Disclosure Stmt																																																																																																																																															
8021	40	8021 40	Recording each patent assignment per property (times number of properties)																																																																																																																																															
1809	740	2809 370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																															
1810	740	2810 370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																															
1801	740	2801 370	Request For Continued Examination (RCE)																																																																																																																																															
1802	900	1802 900	Request For expedited examination of a design application																																																																																																																																															
1. BASIC FILING FEE <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Small Entity Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001</td><td>2001</td><td>740</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>2002</td><td>330</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>2003</td><td>510</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>2004</td><td>740</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>2005</td><td>160</td><td>Provisional filing fee</td><td></td></tr> <tr> <td colspan="4">SUBTOTAL (1)</td> <td>(\$0)</td> </tr> </tbody> </table>		Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid	1001	2001	740	Utility filing fee		1002	2002	330	Design filing fee		1003	2003	510	Plant filing fee		1004	2004	740	Reissue filing fee		1005	2005	160	Provisional filing fee		SUBTOTAL (1)				(\$0)																																																																																																														
Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																														
1001	2001	740	Utility filing fee																																																																																																																																															
1002	2002	330	Design filing fee																																																																																																																																															
1003	2003	510	Plant filing fee																																																																																																																																															
1004	2004	740	Reissue filing fee																																																																																																																																															
1005	2005	160	Provisional filing fee																																																																																																																																															
SUBTOTAL (1)				(\$0)																																																																																																																																														
2. EXTRA CLAIM FEES <table style="width: 100%; font-size: x-small;"> <tr> <td>Total Claims</td> <td>=</td> <td>Extra Claims</td> <td>X</td> <td>Fee from below</td> <td>=</td> <td>Fee Paid</td> </tr> <tr> <td>Independent Claims</td> <td>=</td> <td>0</td> <td>X</td> <td>0</td> <td>=</td> <td>0</td> </tr> <tr> <td>Multiple Dependent</td> <td>=</td> <td>0</td> <td>X</td> <td>0</td> <td>=</td> <td>0</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Small Entity Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202</td><td>2202</td><td>18</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>2201</td><td>84</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>2203</td><td>280</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>2204</td><td>84</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>2205</td><td>18</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr> <td colspan="4">SUBTOTAL (2)</td> <td>(\$0)</td> </tr> </tbody> </table>		Total Claims	=	Extra Claims	X	Fee from below	=	Fee Paid	Independent Claims	=	0	X	0	=	0	Multiple Dependent	=	0	X	0	=	0	Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid	1202	2202	18	Claims in excess of 20		1201	2201	84	Independent claims in excess of 3		1203	2203	280	Multiple dependent claim, if not paid		1204	2204	84	** Reissue independent claims over original patent		1205	2205	18	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)				(\$0)																																																																																									
Total Claims	=	Extra Claims	X	Fee from below	=	Fee Paid																																																																																																																																												
Independent Claims	=	0	X	0	=	0																																																																																																																																												
Multiple Dependent	=	0	X	0	=	0																																																																																																																																												
Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																														
1202	2202	18	Claims in excess of 20																																																																																																																																															
1201	2201	84	Independent claims in excess of 3																																																																																																																																															
1203	2203	280	Multiple dependent claim, if not paid																																																																																																																																															
1204	2204	84	** Reissue independent claims over original patent																																																																																																																																															
1205	2205	18	** Reissue claims in excess of 20 and over original patent																																																																																																																																															
SUBTOTAL (2)				(\$0)																																																																																																																																														
SUBMITTED BY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Name (Print/Type)</td> <td style="width: 20%;">Curtis A. Vock</td> <td style="width: 20%;">Registration No. Attorney/Agent</td> <td style="width: 20%;">38,356</td> <td style="width: 20%;">Telephone</td> <td style="width: 20%;">720-931-3000</td> </tr> <tr> <td>Signature</td> <td colspan="3" style="text-align: center;"> </td> <td>Date</td> <td>11/22/02</td> </tr> </table>		Name (Print/Type)	Curtis A. Vock	Registration No. Attorney/Agent	38,356	Telephone	720-931-3000	Signature				Date	11/22/02	Complete (if applicable) <p>*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$160)</p>																																																																																																																																				
Name (Print/Type)	Curtis A. Vock	Registration No. Attorney/Agent	38,356	Telephone	720-931-3000																																																																																																																																													
Signature				Date	11/22/02																																																																																																																																													

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-SB-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.